# TENNESSEE GENERAL ASSEMBLY FISCAL REVIEW COMMITTEE

### FISCAL MEMORANDUM



SB 74 – HB 153

February 21, 2012

**SUMMARY OF AMENDMENT (013301):** Effective July 1, 2012, prohibits an operator of a motorcycle from carrying a child under the age of five as a passenger on a motorcycle. Creates a Class C misdemeanor for each offense. Authorizes any person charged with this violation to pay a \$50 fine in lieu of a court appearance. Prohibits the collection of litigation taxes, clerk fees, or court costs from the convicted. Requires that \$10 of the fine for first offenses be deposited to the General Fund and \$40 be deposited to the Child Safety Fund. Requires all \$50 paid for a second violation be deposited in the Child Safety Fund.

#### FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue – \$500/General Fund \$2,100/Child Safety Fund Increase State Expenditures – Not Significant

Forgone Local Revenue – \$1,300 Increase Local Expenditures – Not Significant

#### FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

#### Unchanged from the original fiscal note.

Assumptions applied to amendment:

- The Department of Safety (DOS) estimates 50 violations per year (45 first-time offenses and five second-time offenses).
- A recurring increase of state revenue to the General Fund of \$450 (45 first-time violations x \$10).
- A recurring increase of state revenue to the Child Safety Fund of \$2,050 [(45 first-time violations x \$40) + (5 second-time violations x \$50)].
- Any increase to state or local government expenditures for enforcement will be not significant.
- An average litigation tax of \$25 for all local court cases.
- Forgone local revenue of \$1,250 (50 violations x \$25) per year due to the prohibition of collecting any court fees or taxes that would otherwise be collected.

• A small increase in cases in the court system will result in state and local government expenditures for processing the cases. These expenditures are estimated to be not significant.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

Lucian D. Geise, Executive Director

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